

**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation  
Against:

**DONALD GRANT WAITE**  
12782 Amethyst St.  
Garden Grove, CA 92645

Registered Nurse License No. 323304

Respondent.

Case No. 2007-140  
OAH No. L2007020011

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, as its Decision in this matter.

This Decision shall become effective on September 28, 2007.

It is so ORDERED August 29, 2007.

  
\_\_\_\_\_  
FOR THE BOARD OF REGISTERED NURSING

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LINDA L. SUN, State Bar No. 207108  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation  
12 Against:

13 **DONALD GRANT WAITE**  
12782 Amethyst St.  
14 Garden Grove, CA 92645

15 Registered Nurse License No. 323304

16 Respondent.

Case No. 2007-140  
OAH No. L2007020011

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
20 above-entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of  
23 the Board of Registered Nursing (Board). She brought this action solely in her official capacity  
24 and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of  
25 California, by Linda L. Sun, Deputy Attorney General.

26 2. Respondent Donald Grant Waite (Respondent) is represented in this  
27 proceeding by attorney Melanie L. Balestra, whose address is 36 Santa Comba, Irvine, CA  
28 92606.

3. On or about November 30, 1980, the Board issued Registered Nurse License No. 323304 to Respondent. The License was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 2007-140 and will expire on February 29, 2008, unless renewed.

## JURISDICTION

4. First Amended Accusation No. 2007-140 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 6, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of First Amended Accusation No. 2007-140 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in First Amended Accusation No. 2007-140. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in  
3 First Amended Accusation No. 2007-140.

4 9. Respondent agrees that his Registered Nurse License is subject to  
5 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the  
6 Disciplinary Order below.

7 CONTINGENCY

8 10. This Stipulation shall be subject to approval by the Board. Respondent  
9 understands and agrees that counsel for Complainant and the staff of the Board may  
10 communicate directly with the Board regarding this stipulation and settlement, without notice to  
11 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
12 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
13 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
14 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force  
15 or effect, except for this paragraph, it shall be inadmissible in any legal action between the  
16 parties, and the Board shall not be disqualified from further action by having considered this  
17 matter.

18 11. The parties understand and agree that facsimile copies of this Stipulated  
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
20 force and effect as the originals.

21 12. In consideration of the foregoing admissions and stipulations, the parties  
22 agree that the Board may, without further notice or formal proceeding, issue and enter the  
23 following Disciplinary Order:

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Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

7. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of twenty-four (24) hours per week for six (6) consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

8. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to his employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated

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1 Respondent shall not work for a licensed home health agency as a visiting nurse  
2 unless the registered nursing supervision and other protections for home visits have been  
3 approved by the Board. Respondent shall not work in any other registered nursing occupation  
4 where home visits are required.

5 Respondent shall not work in any health care setting as a supervisor of registered  
6 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
7 nurses and/or unlicensed assistive personnel on a case-by-case basis.

8 Respondent shall not work as a faculty member in an approved school of nursing  
9 or as an instructor in a Board approved continuing education program.

10 Respondent shall work only on a regularly assigned, identified and predetermined  
11 worksite(s) and shall not work in a float capacity.

12 If Respondent is working or intends to work in excess of forty (40) hours per  
13 week, the Board may request documentation to determine whether there should be restrictions on  
14 the hours of work.

15 11. **Complete a Nursing Course(s).** Respondent, at his own expense, shall  
16 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
17 than six (6) months prior to the end of his probationary term.

18 Respondent shall obtain prior approval from the Board before enrolling in the  
19 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
20 completion for the above required course(s). The Board shall return the original documents to  
21 Respondent after photocopying them for its records.

22 12. **Cost Recovery.** Respondent shall pay to the Board costs associated with  
23 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
24 amount of six-thousand dollars (\$6,000.) Respondent shall be permitted to pay these costs in a  
25 payment plan approved by the Board, with payments to be completed no later than three (3)  
26 months prior to the end of the probation term.

27 If Respondent has not complied with this condition during the probationary term,  
28 and Respondent has presented sufficient documentation of his good faith efforts to comply with

1 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
2 grant an extension of Respondent's probation period up to one year without further hearing in  
3 order to comply with this condition. During the one year extension, all original conditions of  
4 probation will apply.

5           **13. Violation of Probation.** If Respondent violates the conditions of his  
6 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
7 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
8 license.

9           If during the period of probation, an accusation or petition to revoke probation has  
10 been filed against Respondent's license or the Attorney General's Office has been requested to  
11 prepare an accusation or petition to revoke probation against Respondent's license, the  
12 probationary period shall automatically be extended and shall not expire until the accusation or  
13 petition has been acted upon by the Board.

14           **14. License Surrender.** During Respondent's term of probation, if he ceases  
15 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
16 probation, Respondent may surrender his license to the Board. The Board reserves the right to  
17 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
18 take any other action deemed appropriate and reasonable under the circumstances, without  
19 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
20 will no longer be subject to the conditions of probation.

21           Surrender of Respondent's license shall be considered a disciplinary action and  
22 shall become a part of Respondent's license history with the Board. A registered nurse whose  
23 license has been surrendered may petition the Board for reinstatement no sooner than the  
24 following minimum periods from the effective date of the disciplinary decision:

25           (1) Two years for reinstatement of a license that was surrendered for any  
26 reason other than a mental or physical illness; or

27           (2) One year for a license surrendered for a mental or physical illness.

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1           15.     **Physical Examination.** Within forty-five (45) days of the effective date  
2 of this Decision, Respondent, at his expense, shall have a licensed physician, nurse practitioner,  
3 or physician assistant, who is approved by the Board before the assessment is performed, submit  
4 an assessment of the Respondent's physical condition and capability to perform the duties of a  
5 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
6 medically determined, a recommended treatment program will be instituted and followed by the  
7 Respondent with the physician, nurse practitioner, or physician assistant providing written  
8 reports to the Board on forms provided by the Board.

9           If Respondent is determined to be unable to practice safely as a registered nurse,  
10 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
11 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
12 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
13 shall immediately cease practice and shall not resume practice until notified by the Board.  
14 During this period of suspension, Respondent shall not engage in any practice for which a license  
15 issued by the Board is required until the Board has notified Respondent that a medical  
16 determination permits Respondent to resume practice. This period of suspension will not apply  
17 to the reduction of this probationary time period.

18           If Respondent fails to have the above assessment submitted to the Board within  
19 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
20 practice until notified by the Board. This period of suspension will not apply to the reduction of  
21 this probationary time period. The Board may waive or postpone this suspension only if  
22 significant, documented evidence of mitigation is provided. Such evidence must establish good  
23 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
24 provided. Only one such waiver or extension may be permitted.

25           16.     **Participate in Treatment/Rehabilitation Program for Chemical**  
26 **Dependence.** Respondent, at his expense, shall successfully complete during the probationary  
27 period or shall have successfully completed prior to commencement of probation a Board-  
28 approved treatment/rehabilitation program of at least six (6) months duration. As required,

1 reports shall be submitted by the program on forms provided by the Board. If Respondent has  
2 not completed a Board-approved treatment/rehabilitation program prior to commencement of  
3 probation, Respondent, within forty-five 45 days from the effective date of the decision, shall be  
4 enrolled in a program. If a program is not successfully completed within the first nine (9) months  
5 of probation, the Board shall consider Respondent in violation of probation.

6 Based on Board recommendation, each week Respondent shall be required to  
7 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
8 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
9 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
10 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
11 such attendance to the Board during the entire period of probation. Respondent shall continue  
12 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
13 mental health examiner and/or other ongoing recovery groups.

14 **17. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
15 shall completely abstain from the possession, injection or consumption by any route of all  
16 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when  
17 the same are ordered by a health care professional legally authorized to do so as part of  
18 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
19 fourteen (14) days, by the prescribing health professional, a report identifying the medication,  
20 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
21 medication will no longer be required, and the effect on the recovery plan, if appropriate.

22 Respondent shall identify for the Board a single physician, nurse practitioner or  
23 physician assistant who shall be aware of Respondent's history of substance abuse and will  
24 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
25 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
26 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
27 condition. If any substances considered addictive have been prescribed, the report shall identify a  
28 program for the time limited use of any such substances.

1           The Board may require the single coordinating physician, nurse practitioner, or  
2 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
3 addictive medicine.

4           18.     **Submit to Tests and Samples.** Respondent, at his expense, shall  
5 participate in a random, biological fluid testing or a drug screening program which the Board  
6 approves. The length of time and frequency will be subject to approval by the Board.  
7 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
8 number at all times. Respondent shall also ensure that messages may be left at the telephone  
9 number when he is not available and ensure that reports are submitted directly by the testing  
10 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
11 to the Board by the program and Respondent shall be considered in violation of probation.

12           In addition, Respondent, at any time during the period of probation, shall fully  
13 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
14 tests and samples as the Board or its representatives may require for the detection of alcohol,  
15 narcotics, hypnotics, dangerous drugs, or other controlled substances.

16           If Respondent has a positive drug screen for any substance not legally authorized  
17 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
18 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent  
19 from practice pending the final decision on the petition to revoke probation or the accusation.  
20 This period of suspension will not apply to the reduction of this probationary time period.

21           If Respondent fails to participate in a random, biological fluid testing or drug  
22 screening program within the specified time frame, Respondent shall immediately cease practice  
23 and shall not resume practice until notified by the Board. After taking into account documented  
24 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
25 Board may suspend Respondent from practice pending the final decision on the petition to  
26 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
27 this probationary time period.

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1                   19.     **Mental Health Examination.** Respondent shall, within forty-five 45 days  
2 of the effective date of this Decision, have a mental health examination including psychological  
3 testing as appropriate to determine his capability to perform the duties of a registered nurse. The  
4 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
5 practitioner approved by the Board. The examining mental health practitioner will submit a  
6 written report of that assessment and recommendations to the Board. All costs are the  
7 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
8 result of the mental health examination will be instituted and followed by Respondent.

9                   If Respondent is determined to be unable to practice safely as a registered nurse,  
10 the licensed mental health care practitioner making this determination shall immediately notify  
11 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
12 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
13 practice and may not resume practice until notified by the Board. During this period of  
14 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
15 is required, until the Board has notified Respondent that a mental health determination permits  
16 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
17 probationary time period.


18                   If Respondent fails to have the above assessment submitted to the Board within  
19 the 45-day requirement, Respondent shall immediately cease practice and shall not resume  
20 practice until notified by the Board. This period of suspension will not apply to the reduction of  
21 this probationary time period. The Board may waive or postpone this suspension only if  
22 significant, documented evidence of mitigation is provided. Such evidence must establish good  
23 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
24 provided. Only one such waiver or extension may be permitted.

25                   20.     **Therapy or Counseling Program.** Respondent, at his expense, shall  
26 participate in an on-going counseling program until such time as the Board releases him from this  
27 requirement and only upon the recommendation of the counselor. Written progress reports from  
28 the counselor will be required at various intervals.

**ACCEPTANCE**


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Melanie L. Balestra. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: June 1, 2007

  
DONALD GRANT WAITE  
Respondent

I have read and fully discussed with Respondent Donald Grant Waite the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: June 1, 2007

  
MELANIE L. BALESTRA  
Attorney for Respondent

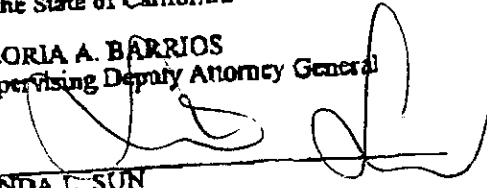
**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing.

DATED: 6-4-07

EDMUND G. BROWN JR., Attorney General  
of the State of California

GLORIA A. BARRIOS  
Supervising Deputy Attorney General

  
LINDA L. SUN  
Deputy Attorney General

Attorneys for Complainant

**Exhibit A**

**First Amended Accusation No. 2007-140**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LINDA L. SUN, State Bar No. 207108  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**  
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11 In the Matter of the Accusation Against:

Case No. 2007-140

12 **DONALD GRANT WAITE**  
12782 Amethyst St.  
13 Garden Grove, CA 92645

**FIRST AMENDED ACCUSATION**

14 Registered Nurse License No. 323304

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing  
21 (Board), Department of Consumer Affairs.

22 2. On or about November 30, 1980, the Board issued Registered Nurse  
23 License No. 323304 to Donald Grant Waite (Respondent). The Registered Nurse License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on  
25 February 29, 2008, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2761 states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, . . .

. . . .

“(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

. . . .

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . .”

6. Section 2762 states, in pertinent part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

“(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.



1                   8.       California Code of Regulations, title 16, section 1444, states:

2                   “A conviction or act shall be considered to be substantially related to the  
3 qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the  
4 present or potential unfitness of a registered nurse to practice in a manner consistent with the  
5 public health, safety, or welfare.”

6                   9.       Section 125.3 provides, in pertinent part, that the Board may request the  
7 administrative law judge to direct a licensee found to have committed a violation or violations  
8 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case.

10                   **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

11                   10.       Tylenol with Codeine (Tylenol #3), a brand name for acetaminophen with  
12 codeine, a narcotic, is a Schedule III controlled substance as designated by Health and Safety  
13 Code section 11056(e)(2), and is categorized as a dangerous drug pursuant to Business and  
14 Professions Code section 4022.

15                   11.       Hycodan Syrup, a trade name for the narcotic substance hydrocodone and  
16 non-narcotic substance homatropine, is a Schedule II controlled substance as designated by  
17 Health and Safety Code section 11055(b)(1)(J), and is categorized as a dangerous drug pursuant  
18 to Business and Professions Code section 4022.

19                   12.       Percocet, a brand name formation of oxycodone hydrochloride, is an  
20 opioid agonist with an abuse liability similar to morphine. It is designated as a Schedule II  
21 controlled substance pursuant to Health and Safety Code section 11055(b)(1), and is categorized  
22 as a dangerous drug pursuant to Business and Professions Code section 4022.

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1 FACTUAL SUMMARY

2 13. From in or about 1996, through on or about January 12, 2005, Respondent  
3 was employed as a registered nurse at Davita Dialysis Center at UCLA Medical Center, Los  
4 Angeles, California.

5 Davita Dialysis Center, UCLA Medical Center

6 14. On or about January 10, 2005, Respondent presented a prescription for  
7 Tylenol #3 for himself to the pharmacy to be filled. The prescription was signed in the name of  
8 Allen R. Nissenson, M.D., a physician at Davita Dialysis Center. During an interview with his  
9 superiors, Respondent admitted that he wrote the prescription and signed Allen R. Nissenson,  
10 M.D.'s name without authorization.

11 15. On or about April 19, 2002, during an interview with his superiors,  
12 Respondent admitted that he asked a patient for painkillers on multiple occasions.

13 16. On or about February 4, 2002, during an interview with his superiors,  
14 Respondent admitted that he asked another patient for Percocet on multiple occasions.

15 Rite Aid Pharmacy, Garden Grove

16 17. Pursuant to an investigation by the Board, Respondent was found to have  
17 presented eight (8) prescriptions for himself to Rite Aid Pharmacy, Garden Grove, California, for  
18 controlled substances. All of the prescriptions were signed in the name of Allen R. Nissenson,  
19 M.D. On or about December 22, 2005, Respondent admitted to the Board investigator that he  
20 had written and signed the prescriptions without authorization. The details of the fraudulent  
21 prescriptions filled for Respondent are as listed below:

<u>Date</u>	<u>Controlled Substance</u>	<u>Quantity</u>	<u>Refills</u>
5/31/2004	Tylenol #3	30	1
7/2/2004	Tylenol #3	30	1
8/6/2004	Tylenol #3	30	1
9/29/2004	Tylenol #3	30	1
10/18/2004	Tylenol #3	30	1
11/17/2004	Hycodan Syrup	120ml	1
11/26/2004	Tylenol #3	30	1
12/29/2004	Hycodan Syrup	240ml	0

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially-Related Crime)**

3 18. Respondent is subject to disciplinary action under Code sections 490 and  
4 2761, subdivision (f) in conjunction with California Code of Regulations, title 16, section 1444,  
5 in that Respondent was convicted of crimes which are substantially related to the qualifications,  
6 functions and duties of a licensed registered nurse, as follows:

7 a. On or about August 10, 2006, Respondent was convicted by the Court on  
8 a plea of guilty to nine (9) counts of violating Health and Safety Code section 11368 (forged  
9 prescription), all felonies, in the Superior Court of California, County of Orange, West Justice  
10 Center in Case No. 06WF1666, entitled *The People of the State of California v. Donald Grant*  
11 *Waite*. Respondent was ordered to serve 180 days in jail. The circumstances are as alleged in  
12 paragraphs 14 and 17.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Obtained Controlled Substances In Violation of Law)**

15 19. Respondent is subject to disciplinary action under sections 2761,  
16 subdivision (a), and 2762, subdivision (a) of the Code, on the grounds of unprofessional conduct,  
17 in that while employed as a registered nurse at Davita Dialysis Center, Respondent obtained,  
18 possessed, prescribed, and/or self-administered controlled substances and/or dangerous drugs in  
19 violation of law. The allegations are as set forth in paragraphs 13 through 17, and incorporated  
20 herein by reference.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Use of Controlled Substances/Dangerous Drugs)**

23 20. Respondent is subject to disciplinary action under sections 2761,  
24 subdivision (a) and 2762, subdivision (b) of the Code, on the grounds of unprofessional conduct,  
25 in that while employed as a registered nurse at Davita Dialysis Center, Respondent used  
26 controlled substances and/or dangerous drugs, to an extent or in a manner dangerous to himself  
27 and to his patients, or to the extent that such use impaired his ability to conduct with safety to the  
28 public. The allegations are as set forth in paragraphs 13 through 17, and incorporated herein by

1 reference.

2 **FOURTH CAUSE FOR DISCIPLINE**

3 **(Conviction Involving the Prescription of Controlled Substance/Dangerous Drugs)**

4 21. Respondent is subject to disciplinary action under sections 2761,  
5 subdivision (a) and 2762, subdivision (c) of the Code, on the grounds of unprofessional conduct,  
6 in that Respondent was convicted of crimes involving the forged prescriptions of controlled  
7 substances and/or dangerous drugs. The allegations are as set forth in paragraphs 14, 17 and 18,  
8 and incorporated herein by reference.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Confinement for Intemperate Use/Addiction of Controlled Substance/Dangerous Drugs)**

11 22. Respondent is subject to disciplinary action under sections 2761,  
12 subdivision (a) and 2762, subdivision (d) of the Code, on the grounds of unprofessional conduct,  
13 in that Respondent was confined by the Court for 180 days for his intemperate use of or  
14 addiction to controlled substances and/or dangerous drugs. The allegations are as set forth in  
15 paragraphs 14, 17 and 18, and incorporated herein by reference.

16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(False Prescriptions for Controlled Substance/Dangerous Drugs)**

18 23. Respondent is subject to disciplinary action under sections 2761,  
19 subdivisions (a) and 2762, subdivision (e) of the Code, on the grounds of unprofessional  
20 conduct, in that while employed as a registered nurse at Davita Dialysis Center, Respondent  
21 falsified prescriptions pertaining to controlled substances and/or dangerous drugs. The  
22 allegations are as set forth in paragraphs 13 through 17, and incorporated herein by reference.

23 **SEVENTH CAUSE FOR DISCIPLINE**

24 **(Violation of Nursing Practice Act)**

25 24. Respondent is subject to disciplinary action under section 2761,  
26 subdivision (d) of the Code, in that Respondent violated various provisions under the Nursing  
27 Practice Act. The allegations are as set forth in paragraphs 13 through 23, and incorporated  
28 herein by reference.

1 PRAYER

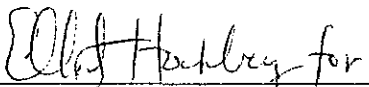
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License No. 323304, issued to  
5 Donald Grant Waite.

6 2. Ordering Donald Grant Waite to pay the Board of Registered Nursing the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: 3/21/2007

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14 RUTH ANN TERRY, M.P.H., R.N.  
15 Executive Officer  
16 Board of Registered Nursing  
17 Department of Consumer Affairs  
18 State of California

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27 Complainant  
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